

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

IN RE: ETHICON, INC.,  
PELVIC REPAIR SYSTEMS  
PRODUCTS LIABILITY LITIGATION

MDL 2327

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THIS DOCUMENT RELATES TO:

MARY McKIMMY

Plaintiff,

v.

Civil Action No. 2:17-cv-01121

ETHICON, INC., and  
JOHNSON & JOHNSON,

Defendant.

**MEMORANDUM OPINION AND ORDER**

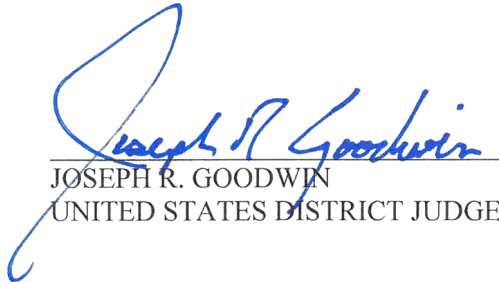
On October 1, 2018, a Suggestion of Death was filed by defendants' counsel suggesting the death of Mary McKimmy during the pendency of this civil action. [ECF No. 25].

Pursuant to Federal Rule of Civil Procedure 25(a) and Pretrial Order (“PTO”) # 308 (Requirements for Counsel to Deceased Plaintiffs) filed in *In re: Ethicon, Inc., Pelvic Repair System Products Liab. Litig.*, 2:12-md-2327 [ECF No. 6218], the time to substitute a proper party for the deceased party has expired and there has been no motion to substitute the deceased party. Mary McKimmy was the only plaintiff named in this civil action.

The court **ORDERS** that pursuant to Rule 25(a) and PTO # 308, this case is **DISMISSED without prejudice** and **STRICKEN** from the docket. Any pending motions are **DENIED** as moot.

The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: June 11, 2020



JOSEPH R. GOODWIN  
UNITED STATES DISTRICT JUDGE